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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,876	04/27/2001	Steven P. Ungetheim	93214.032	1747

7590

04/26/2002

Paul F. Wille
6407 East Clinton Street
Scottsdale, AZ 85254

EXAMINER

WERNER, FRANK E

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 04/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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Sn 09/844876

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This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on April 27, 2001

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-10 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-10 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on 4/27/01 are informal and are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of Reference Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

Art Unit: 3652

1. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re base claim 1, no minivan structure (body, wheels, etc.) and no ramp structure have been set forth rendering the claim incomplete; moreover, no hinge connection (and actuating means therefor) which would render the ramp foldable has been set forth and furthermore, it is not understood how structurally the drive mechanism is coupled to the ramp; in line 5, "the floor" lacks antecedent basis. Re claim 2, again it is not understood how the claimed elements of the drive mechanism are structurally coupled to the ramp. Re claim 3, it is not understood where (and how) structurally the lever arm is coupled to the folding ramp and what function is performed thereby. Re claim 4, it is not understood where (and how) structurally the sensing switch is coupled to the drive shaft and it is not understood how the ramp is extended. Re claims 5 and 7, it is not understood how the folding ramp is braked and moreover, it is not understood how the ramp is extended. Re claim 8, it is not understood how the ramp is extended manually.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tidrick et al (,329-cited by Applicant) in view of Oudsten et al (,908) or Peterson, Jr. et al (,545).

Tidrick et al disclose a foldable ramp 10 moved by rotary motor 31 connected to shaft 28, but the motor is not beneath the floor which is disclosed by Oudsten et al (rotary motor 44A in fig. 9 and the discussion in column 7, lines 30-35) or Peterson, Jr. et al (14, 18, etc.) and in view of the same, it would have been obvious to have substituted an underfloor mounting in order to lessen potential hazards to the users as taught by either secondary reference. Re claims 2-4, 6, 9 and 10, respectively, it would have been obvious to have substituted the conventional claimed drive mechanism, to have included the conventional claimed sensing switch, bearings, resistor and diode depending on the requirements of the folding ramp drive. Re claims 5, 7 and 8, Tidrick et al teach the desirability of dynamically braking the ramp in at least column 2, lines 35 and 36. Further, it would have been obvious to have conventionally operated the ramp (as claimed), if desired.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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6. Any inquiry concerning this communication should be directed to F.E. Werner at telephone number 703-308-1140.

Werner/cw
April 25, 2002

Summary:

Claims 1-10 are rejected.
Rejection – SSP 3 mos.

Frank E. Werner
FRANK E. WERNER
PRIMARY EXAMINER 4/02
GROUP 3652